IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 22313 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ? **-No.**

2 To be referred to the Reporter or not ? **-No.**

3 Whether their Lordships wish to see the fair copy of the judgment ? **-No.**

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ? **-No.**

5 Whether it is to be circulated to the civil judge ? **-No.**

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ANIL @ RAJU RAMCHANDRA ADHAV - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :

MR VAIBHAV A VYAS for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 17/01/2006

ORAL JUDGMENT

1.Anil @ Raju Ramchandra Adhav, petitioner-detenu has filed this habeas corpus petition under Article 226 of the Constitution of India challenging the order of detention dated 11/10/2005 passed by the Police

Commissioner, Surat under the provisions of PASA Act and further be pleased to release the petitioner forthwith. Petition was filed on 4/11/2005. This Court has issued Rule on 18/11/2005 which was returnable on 14/12/2005. On behalf of respondent, Mr.L.R.Pujari, learned APP appears so, with consent of parties, matter has been placed for final hearing.

2. It may be noted that this petitioner-detenu is co-detenu of Special Civil Application No.22307 of 2005 which is allowed by this Court (Coram:K.M.Mehta, J.) on today i.e. on 17/1/2006. In view of the judgment of the said Special Civil Application and reasons given by this Court in the said matter, this petition is also required to be allowed.

3. In the result, petition is allowed. I hereby quash and set aside the order of detention. Anil @ Raju Ramchandra Adhav, detenu is ordered to be set at liberty forthwith if he is not required in connection with any other case. Rule is made absolute accordingly with no order as to cost. Direct service is permitted.

(K.M.MEHTA, J.)

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